

REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-18, 20, 23, 24, 26, and 27 were pending in the application.

Claim 1 is amended to call for the priority value to be assigned based on a value of a session identification priority parameter type. Support for this amendment is found at least at page 35, lines 10-18 of Applicants' specification.

Independent claim 13 is amended to include limitations regarding the changing of priority information based on the priority of information requests (or web pages visited), such that a request and response priority may increase as a user visits resources or web pages that are more important. No new matter is added with this amendment as support is found in the paragraph beginning on page 39, line 15.

Independent claim 20 is amended to include limitations similar to allowed claim 27.

Independent claim 24 is amended to include limitations similar to that of allowed claim 27, with support found in claim 27 and in the specification beginning at page 38, line 31.

Independent claim 26 is amended to include limitations similar to that of allowed claim 27.

Independent claim 27, which was allowed, is amended only to correct minor typographical errors.

After entry of the Amendment, claims 1-18, 20, 23, 24, 26, and 27 remain for consideration by the Examiner.

Allowable Subject Matter

In the Office Action, claim 27 was allowed.

Independent claim 20 is amended to include limitations to the allowable subject

matter of claim 27. As a result, claim 20 and claims 23, which depends from claim 20, are believed in condition for allowance.

Independent claim 25 is directed to a system, and the limitations of this claim are amended to include the subject matter found allowable in claim 27. After entry of the amendment, claim 25 is believed in condition for allowance.

Independent claim 26 is amended to include limitations similar to that of allowed claim 27, and as a result, claim 26 is believed in allowable for the reasons for allowing claim 27.

Claim Rejections under 35 U.S.C. §102

In the Office Action, claims 1-18, 20, 23-24, and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,418,169 ("Datari"). Applicants respectively traverse these rejections in light of the following remarks and respectfully request reconsideration.

Initially, independent claims 20, 24, and 26 are each amended to include limitations similar to those found in claim 27, which the Examiner found allowable over Datari. As a result, claims 20, 24, and 26 and claim 23, which depends from claim 20 are believed allowable over Datari.

Regarding independent claim 13, the claim is amended to stress that the method calls for assigning a second priority value to a response to a request based on request priority information and a response priority parameter. The response priority parameter is determined based on the priority of the content associated with the request. For example, Applicants describe beginning on page 39, line 15 the concept of aggregating credits or increasing a priority of a message (such as a response to a request) based on the priority of the page visited. In other words, the Applicants' invention addresses the need for being able to treat certain network users better with their messages being given a higher aggregate or cumulative priority (such as for a purchaser or a repeat

customer rather than treating these purchasers the same as a mere browser (i.e., someone who only accesses low priority content of a web server or the like)).

This limitation of claim 13 is not shown by Datari. With reference to Figures 6 and 7, Datari describes retrieving priority profile information from memory and identifying an attribute associated with "received data." Then, the attribute is compared with the retrieved profile to determine what priority to use to transmit the data. Further, the protocol characteristic is described at col. 9, lines 11-16 as including "a data destination identifier," but there is no discussion in Datari that data or resources of the destination may be given priorities themselves and that such priorities can be used to provide a cumulative or aggregate priority to a response. In other words, Applicants could find no aggregation of activity and priority data to create second priority values. The Office Action cites Datari for teaching assigning a second priority value for a response, but at the cited portions of Datari and elsewhere, there is no teaching of prioritizing the response (e.g., from priority scheduler 43 of Figure 1) based on the original priority information in the received information, including what data was accessed on the destination device. Hence, Datari does not anticipate at least the determining for the response and the assigning steps of claim 13 is believed allowable over this reference.

Claims 14-18 depend from claim 13 and are believed allowable over Datari for at least the reasons provided for allowing claim 13.

Claim 1 is amended based on subject matter found in dependent claim 2 and discussed in the specification at page 35, lines 10-18. As amended, claim 1 calls for a priority value to be at least partially based on a value of a priority parameter type, the priority parameter type comprising a session identification and the priority value associated with the session identification type being increased based on number of completed transactions." As described at page 35, this allows communications or messages associated with a user that has completed a particular number of

transactions to be assigned a higher or increased priority value. In this manner, for example, an online business can provide higher levels of services (e.g., quicker and more reliable communications) to clients/users that are completing "transactions" rather than providing the same level of service to all users.

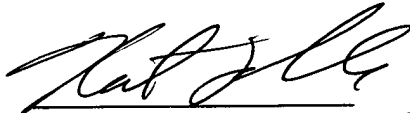
Datari fails to anticipate or even suggest such a method of prioritizing messaging between two networked devices. As discussed in its Figures 6 and 7 and related text. Datari describes a prioritization method that is determined for each message based on a number of attributes, but these attributes do not include "a session identification" or the number of transactions that have been completed by the originator or sender of the message. Due to this deficiency of Datari, claim 1 is believed allowable over this reference. Claims 2-12 depend from claim 1 and are believed allowable at least for the reasons provided for allowing claim 1.

Conclusions

In view of all of the above, it is requested that a timely Notice of Allowance be issued in this case.

A check is provided for the fee associated with a 3-month extension of time. No additional fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,



Kent A. Lembke, No. 44,866
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5378 Tel
(303) 899-7333 Fax